

Phillips v. Collin Cnty. Cmty. Coll. Dist., et al.

Exhibit A:

**Deposition of 30(b)(6) Designee
Floyd Nickerson**

Floyd Nickerson

February 09, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOSEPH MICHAEL PHILLIPS,)
)
Plaintiff,)
) Civil Action
VS.) No. 4:22-cv-184-ALM
)
COLLIN COUNTY COMMUNITY)
COLLEGE DISTRICT, et al.,)
)
Defendants.)

ORAL AND VIDEOTAPED RULE 30(b)(6) DEPOSITION OF
COLLIN COUNTY COMMUNITY COLLEGE DISTRICT
FLOYD NICKERSON
FEBRUARY 9, 2023
VIA REALTIME

ORAL AND VIDEOTAPED REALTIME DEPOSITION OF FLOYD
NICKERSON, produced as a witness at the instance of the
Plaintiff, and duly sworn, was taken in the above-styled
and numbered cause on February 9, 2023, from 2:53 p.m.
to 5:42 p.m., before Christy Cortopassi, CSR in and for
the State of Texas, reported by machine shorthand, at
the law offices of Abernathy Roeder Boyd & Hullett, PC,
1700 N. Redbud Boulevard, Suite 300, McKinney, Texas
75069, pursuant to the Federal Rules of Civil Procedure
and the provisions stated on the record or attached
hereto.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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Mr. Joshua T. Bleisch
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ALSO PRESENT:

Ms. Monica Velazquez,
General Counsel, Collin College

Terry VanDerHeyden - Videographer

| | | |
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23 Please be advised that an UNCERTIFIED ROUGH
 24 DRAFT version of this transcript exists. If you are in
 25 possession of said rough draft, please replace it
 immediately with this CERTIFIED FINAL TRANSCRIPT.

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Good afternoon. We are
3 now on record. This begins the deposition of Floyd
4 Nickerson, the corporate rep for Collin College.
5 Today's date is February 9th, 2023. The time is
6 2:53 p.m. The court reporter has already recorded all
7 present at the deposition.

8 Will you please swear in the witness.

9 FLOYD NICKERSON,
10 having been first duly sworn, testified as follows:

11 EXAMINATION

12 BY MR. GREUBEL:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. Before we start asking some questions about the
16 case, I just want to get through some initial questions.

17 So can you please state your name and
18 address for the record?

19 A. Floyd Nickerson, 5593 Beacon Hill Drive,
20 Frisco, Texas 75036.

21 Q. Have you ever been deposed before?

22 A. Yes, I have.

23 Q. And when was that?

24 A. Oh, gosh, that would have been probably 2021,
25 I'm going to guess but I'm not sure.

1 trainings.

2 Q. And what's her name?

3 A. Shelley Sheldon.

4 Q. Any other employees?

5 A. That would be the only ones that I visited
6 with.

7 Q. And the last one is Topic Number 30?

8 A. That's correct.

9 Q. And what did you do to prepare for that topic?

10 A. I talked with our manager of employee relations
11 and got some -- just some history there to know what the
12 retention is and how we do retain those documents.

13 Q. Okay. And what's the name of that employee?

14 A. Tonya Jacobson.

15 Q. All right. Are you comfortable testifying on
16 behalf of the college for the topics we just discussed?

17 A. Yes, I am.

18 Q. And you understand that the answers you are
19 giving today are for the college and they are not in
20 your personal capacity?

21 A. Yes, I am. Yes.

22 Q. All right. We will start with the enforcement
23 application of Collin College's Faculty Code of Ethics.

24 (Exhibit 2 marked.)

25 Q. (BY MR. GREUBEL) I have just handed you a

1 If an employee -- well, let me do this
2 differently.

3 If the college believes that an employee
4 has violated the code of ethics, who interprets the code
5 of ethics on behalf of the college?

6 A. Well, if we have an issue that comes up where
7 there's a question of whether someone has violated a
8 policy we're going to rely upon the immediate supervisor
9 to start. They enforce our policies.

10 We're going to rely on that immediate
11 supervisor to enforce it with the attention or help of
12 others. It might involve the human resources
13 department, and we could get our legal department
14 involved. But we have a number of individuals looking
15 at what's the right steps to take.

16 Q. And do these Code of Professional Ethics apply
17 to all employees of the college?

18 A. They do apply to all employees of the college.
19 As you can see from this document, it talks about
20 professional educators and we do consider all employees
21 to be professional educators because we do all interact
22 with and support students.

23 Q. Does the college have any definitions for terms
24 like dignity and respect which are listed in the first
25 bullet point here?

1 Q. Okay. Is the name Collin College trademarked?

2 A. I believe the -- I don't know that the name is.
3 I believe the trademark may be, the design.

4 Q. Yeah.

5 A. One or the other is.

6 Q. Got you. I want to draw your attention to
7 paragraph nine. It says, The professional educators --
8 let me know -- go ahead and read it.

9 A. Uh-huh.

10 Q. Let me know when you are ready to be asked some
11 questions about it.

12 A. Yes, I'm ready.

13 Q. And you referred to this primarily as being
14 the -- when I was mentioning in paragraph four. Now
15 does paragraph nine prohibit employees from being
16 publicly critical of the college?

17 A. No. It does not prohibit employees from being
18 critical. Employees have the right to -- of -- to free
19 speech. But we do want them to make sure that they make
20 it very clear they're not speaking as a spokesperson of
21 the college.

22 I think what paragraph nine is saying, it
23 talks about bringing credit to the college. And you can
24 almost flip that and say we don't want to do things that
25 discredit the college. I think we have to be very

1 careful. And as we see in some of our other policies we
2 do state that what an employee does in public, it's
3 viewed by the public and as -- and it could reflect on
4 the college, it could reflect on the individual, it
5 could reflect on the profession of what they do.

6 And what they do, and when I say "they" I'm
7 referring to the faculty. It's so important. You want
8 that to bring credit. We don't want to do things that's
9 going to embarrass the college. And some actions can do
10 that.

11 So -- and that's why we also make it a
12 point to say we want our faculty, we want our staff to
13 focus around what's in the first part of that sentence,
14 supporting the goals and the ideals of the college.

15 It's important that we have people pulling
16 in that right direction where we're all focused on
17 students.

18 Q. Would an employee being associated with a
19 controversial political issue be something that could
20 violate paragraph nine?

21 A. No. Employees have the right to talk on
22 controversial topics. And again, that's where we stress
23 you make it very clearly known that those are your
24 personal views that you are expressing. And that they
25 don't -- that you are not talking as a -- you are not

1 careful. And as we see in some of our other policies we
2 do state that what an employee does in public, it's
3 viewed by the public and as -- and it could reflect on
4 the college, it could reflect on the individual, it
5 could reflect on the profession of what they do.

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20 violate paragraph nine?

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22 controversial topics. And again, that's where we stress
23 you make it very clearly known that those are your
24 personal views that you are expressing. And that they
25 don't -- that you are not talking as a -- you are not

1 Amendment allows -- I'm sorry. Let me ask it a
2 different way.

3 Does Collin College believe that faculty
4 members saying something that's not true and accurate as
5 determined by that employee's immediate supervisor is
6 not protected by the First Amendment?

7 MR. CRAWFORD: Objection; form.

8 A. I would ask you to repeat your question and we
9 can talk about it.

10 Q. (BY MR. GREUBEL) Sure. So if a faculty member
11 shares information publicly about the college that is
12 not true and accurate according to their supervisor, is
13 that faculty member's speech no longer protected by the
14 First Amendment?

15 MR. CRAWFORD: Objection; form.

16 A. I cannot say that it is -- uh -- no, the First
17 Amendment offers that individual the opportunity to
18 speak. But as a college we would still hope that that
19 speech or we would expect that speech to still be within
20 the parameters of our policies.

21 We would still expect that that -- the
22 speech would bring credit to the college. We would
23 still expect that that speech is going to be true and
24 accurate.

25 And it's not just the supervisor, immediate

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1 Q. (BY MR. GREUBEL) Okay. You have got in front
2 of you Exhibit 5 which is DGC Legal, is that fair?

3 A. Local.

4 Q. Exhibit 5, DGC Local.

5 A. DGC Local.

6 Q. Okay. And Exhibit 6 is DGC --

7 A. DGC Legal.

8 Q. Okay.

9 MR. CRAWFORD: And when you say Exhibit 5
10 we are referring to Matkin --

11 MR. GREUBEL: Matkin 5.

12 MR. CRAWFORD: -- Matkin Deposition
13 Exhibit 5.

14 MR. GREUBEL: Yes. Yes. Matkin Deposition
15 5.

16 MR. CRAWFORD: Nickerson Deposition
17 Exhibit 6.

18 MR. GREUBEL: Yes. Thank you very much.

19 Q. (BY MR. GREUBEL) So Matkin Deposition
20 Exhibit 5 is the Local policy. Has that policy in front
21 of you been approved by the Board?

22 A. Yes, it has.

23 Q. Can -- what's the purpose of that policy?

24 A. This is the employee expression and use of
25 college facilities Board policy. It's -- talks

1 primarily or the first portion of the policy talks about
2 academic freedom and ensuring that faculty members
3 are -- it makes it clear that they're entitled to that
4 academic freedom.

5 It also goes into -- with that freedom
6 comes certain responsibilities. And then it goes into
7 just different uses of our college facilities and how to
8 go about.

9 Q. And what does academic --

10 A. That's --

11 Q. I'm so sorry.

12 A. No, you are good.

13 Q. What does academic freedom mean to the college?

14 A. It means that our faculty members enjoy the,
15 as it says, The constitutional freedom guaranteed to
16 all citizens.

17 They have the right to -- in the classroom,
18 to teach within their area of knowledge and background
19 and to teach and to challenge students and to often talk
20 about difficult subjects. But it gives our faculty
21 members that freedom to truly challenge our students.

22 Q. Are students sometimes made uncomfortable by
23 controversial topics?

24 A. I have never been in a classroom but I would
25 imagine that they could be. But I have never been in a

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1 A. Okay.

2 Q. Nickerson 7.

3 A. Uh-huh.

4 Q. Go ahead and take a look at that and let me
5 know when you are ready to talk about it.

6 A. Okay.

7 Q. Have you ever seen that before?

8 A. I have.

9 Q. And what is it?

10 A. This is an Employee Discipline Form for
11 Professor Lora Burnett, a Level 1 warning.

12 Q. And can you tell me what policy Lora Burnett
13 violated?

14 A. Looks -- the college policy DGC Local.

15 Q. And that's the Employee Free Expression policy?

16 A. That's the expression policy, yes.

17 Q. And how did she violate that policy?

18 A. She posted information that was not accurate
19 regarding the college. Of course, in this particular
20 case the issue was posting a -- an obituary of an
21 individual who had passed away, stating that the college
22 had -- another Collin College professor had died.

23 This individual was not a Collin College
24 professor. So she posted very inaccurate information
25 and that did not bring credit to the college.

1 the college, that another of your faculty members had
2 died of COVID. And it just wasn't accurate. That was
3 not bringing credit to the college.

4 Q. And I want to go back to Policy DGC Local. It
5 says that -- after strive for accuracy, that faculty and
6 support staff also have to exercise appropriate
7 restraint. Can you tell me what that means?

8 A. I think what we are saying when we talk about
9 exercising appropriate restraint, you know, we expect
10 our faculty to -- and all employees, not just faculty,
11 all employees to exercise restraint in how they talk to
12 others.

13 If there's someone that has a different
14 opinion than you do, you know, the thought is you don't
15 bully them, you don't harass them, you still treat
16 everyone with dignity and respect and appropriate
17 restraint helps to accomplish that.

18 Q. Does this policy require faculty to exercise
19 appropriate restraint even when they're not working for
20 the college, to be more specific, when they're off duty?

21 A. We would hope that they would. But, no, this
22 policy does not say that in this sentence.

23 Q. So if an employee is -- I know it doesn't say
24 that but it also doesn't say that you have to be
25 completely accurate on your Facebook posts or your

1 Twitter posts.

2 A. To strive.

3 Q. It says to strive for accuracy and -- but
4 that's been interpreted by the college to mean at times
5 something slightly different. So I'm trying to figure
6 out what exactly exercise appropriate restraint means in
7 practice. So does exercise appropriate restraint, could
8 that be applied to a faculty member's social media post?

9 MR. CRAWFORD: Objection; form.

10 A. If it is their personal account, a personal
11 social media account, we don't get involved with their
12 personal social media account as a college.

13 Q. (BY MR. GREUBEL) That's not true. Because of
14 the document you just looked at with Lora Burnett's
15 Twitter post?

16 A. Well, when we hear of something that comes to
17 us or however it comes to us, we will address that
18 because it does impact the college. But as a rule we do
19 not go out and look at their social media accounts and
20 try to dig up information to harm an individual.

21 And when we talk here about exercising
22 appropriate restraint, you know, we're talking largely
23 about when a faculty member or a staff employee is
24 speaking, we do hope that they use good judgment in
25 their speech.

1 THE VIDEOGRAPHER: We are off record at
2 4:13 p.m.

3 (Break taken from 4:13 p.m. to 4:27 p.m.)

4 THE VIDEOGRAPHER: We are back on record at
5 4:27 p.m.

6 Q. (BY MR. GREUBEL) I want to hand you back
7 what's been marked as Nickerson 5. Take a look at that
8 again and let me know when you are ready to talk about
9 it.

10 A. Okay. I'm familiar with it.

11 Q. Okay. Now this says that William Geisler was
12 given a warning followed by a memorandum on April 22,
13 2021, clarifying the requirements of Policy DGC Local.

14 Do you know what occurred, what he did to
15 prompt receiving the warning followed by a memorandum?

16 A. Yes. In this particular one Mr. Geisler had --
17 well, we received emails from folks outside of the
18 college regarding complaining about a statement that he
19 had made regarding an individual who he claimed was not
20 a female and participated in a race.

21 And he had claimed this individual was born
22 a male which was not correct. And he, you know, there
23 was things that tied it back to the college.

24 We received the complaint about it. In
25 concern he did try to address it, to apologies for his

1 nonrenewed or part of the discussion about her
2 nonrenewal.

3 Q. And what was the specific things that she was
4 doing to go outside of Collin College's approved
5 structures for bringing concerns about issues related to
6 reopening during COVID-19?

7 A. Yeah. Well, first, she had some concerns that
8 the college should not reopen. She pushed back on the
9 plan to reopen and try to bring the college back to some
10 version of a normal operation as the restart plan was
11 set up to do. She had her own thoughts of -- we ought
12 to -- how we ought to approach allowing, you know, fewer
13 classes being in person.

14 And she just -- she had -- she didn't agree
15 with the restart plan. And she pushed back on
16 restarting the college as the Board has approved -- had
17 approved and the restart -- or the restart task force
18 was working toward even though she was part of the task
19 force.

20 Q. And what policy of Collin College did that
21 violate?

22 A. It violated DGC in that she had opportunities
23 to work with inside the college to make sure her
24 criticisms, her concerns were voiced and she did not
25 choose to do that.

1 Q. She chose to go outside the college?

2 A. Yes. That was one of the violations that was
3 there.

4 Q. And you already --

5 A. She did not work collaboratively with -- and
6 within the structure that we had in place as a college.

7 Q. And I think you just said that's DGC?

8 A. I believe it was in DGC, yes, one of the
9 responsibilities of faculty member -- of employees.

10 Q. Are you sure that's not DH Exhibit, the code of
11 ethics?

12 A. I can look real quick.

13 Q. Yeah. If you don't mind, yes.

14 A. Okay.

15 Q. Here's --

16 A. Yes.

17 Q. Let me hand you -- you are looking at -- oh --

18 A. I'm looking at Local.

19 Q. Yeah, yeah, yeah. Here's DH Exhibit.

20 A. And what I'm referring to is on page three,
21 number five. It says, Faculty members will recognize
22 their responsibility to adhere to the policies and
23 procedures of the institution. Therefore, faculty
24 members who have differences of opinions with existing
25 or proposed policies and procedures will express these

1 views through the standing permitted structures of the
2 college district or their supervising administrators.

3 Q. And if an employee isn't satisfied with the
4 response from Collin College when they go through those
5 procedures and choose to go outside and voice their
6 criticisms of the college publicly, is that a violation
7 of DGC Local?

8 A. Again, we are going to look at those on a
9 case-by-case basis. If there is something there
10 that is -- or if the employee has not made it clear that
11 they're expressing personal opinions, if they're
12 accurate or not accurate in their -- what they are
13 putting out there, we're going to just look at those on
14 a case-by-case basis to make a determination as to what
15 the right approach to take is.

16 Q. And what was the determination that was made as
17 to Audra Heaslip?

18 A. Audra Heaslip went outside, she had the
19 opportunity to work with her supervisor to voice those
20 criticisms or her concerns. I was in the room when
21 Audra was told that she would be non-renewed. Or not
22 in -- well, I was in the room, Audra was on the
23 telephone, it was a Zoom call.

24 And the campus Provost that talked with her
25 had even specifically gone so far as to say I'm ready to

1 sit down and talk with you about your concerns and she
2 chose -- or did not do so. Not that she chose not to
3 so -- but she did not. Did not take advantage of that.
4 She had not talked to her immediate supervisor, to my
5 knowledge about it.

6 So she had opportunities to work within the
7 system -- within the college and she did not do so. And
8 that's the expectations that we should work within the
9 structures that are set up within the college when we
10 have issues with policies and procedures of the college.

11 Q. How about Suzanne Jones, what were the basis
12 for her nonrenewal?

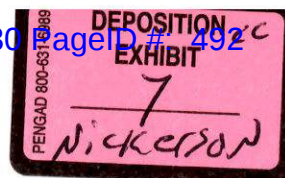
13 A. I think in Suzanne's case it was somewhat
14 similar that she just did not work collaboratively
15 within the college. She -- again, once we had restart
16 plans in place, the Board had approved a plan to reopen
17 the college and she -- one thing she did was she went
18 out on her social media account and encouraged community
19 members to send letters, calls, whatever to the district
20 president. And that's not working collaboratively
21 within the structures of the college.

22 Q. It sounds like the college's response to
23 COVID-19 was really stressful. But you were there,
24 right?

25 A. I was.



EMPLOYEE DISCIPLINE FORM



| Employee Information | | | |
|---|--|--|------------------|
| Employee Name: | Lora Burnett | CWID: | 110776350 |
| Job Title: | Professor of History | Department: | Academic Affairs |
| Full-time or Part-time: | Full Time | Exempt / Non-Exempt: | Exempt |
| Immediate Supervisor: | Daphne Babcock | Date: | 1-19-2021 |
| Performance Status | | | |
| <input checked="" type="checkbox"/> Level 1 Warning | <input type="checkbox"/> Level 2 Warning | <input type="checkbox"/> Recommendation for Suspension | |
| Details | | | |

List the employee's primary job responsibilities or behaviors that require attention and describe the specific improvement that is needed. (Include facts about events, dates, people, documents, etc.)

1. Job Performance/Behavior Deficiency:

This is a Level 1 warning issued to address your conduct in publicly posting information that is not accurate. Collin College Board Policy DGC(LOCAL) requires faculty and staff to strive for accuracy when speaking or writing as private citizens.

On January 13, 2021, the college learned that you posted the obituary of Mr. Ralph Gregory Hendrickson on Twitter. While the obituary stated that Mr. Hendrickson "worked" for various colleges, including Collin College, the obituary did not indicate that he was, in fact, a current professor at the college or that he died as a result of COVID. Your statement accompanying the posting of the obituary was: "Another @collincollege professor has died of COVID." Your statement identified Mr. Hendrickson as a Collin College professor. That part of your statement is not accurate. Had you first verified the accuracy of the information, you would have learned that Mr. Hendrickson is not a Collin College professor and, in fact, has not taught at the college for several years. Mr. Hendrickson is a former employee of the college and not a Collin College professor.

Specific Results Required for Acceptable Improvement:

Now that you have the accurate information, you are asked not to identify Mr. Hendrickson as a Collin College professor. In order to avoid a violation of DGC(LOCAL), you are also instructed to verify objective facts included in your publicly posted statements.

Date for Improvement to be completed:

As soon as possible.

Changes to template verbiage must be approved by HR.

Supervisor Initials: _____
Employee Initials: _____
HRC Initials: _____

2. Job Performance/Behavior Deficiency:

Specific Results Required for Acceptable Improvement:

Date for Improvement to be completed:

Supervisor Support

List the support to be provided by supervisor (e.g. training, equipment, observation, procedures, coaching):

If there is a need to verify any college-related information or specific college-related questions that I can help address for you, please contact me.

The Employee Discipline Form as provided above has been reviewed and approved by a member of human resources.

HR Liaison Reviewed and Approved: Kimberly Lewis Date: 01/19/21

Changes to template verbiage must be approved by HR.

Supervisor Initials: _____

Employee Initials: _____

HRC Initials: _____

Failure to show improvement in your job performance or behavior by stated deadlines and/or any future violations of the same or similar nature will subject you to further disciplinary action, up to and including termination of employment.

Acknowledgement of Receipt of Performance Documentation

Immediate Supervisor: Daphne Bap... [Signature] Date: 1-19-21
 Next Level Supervisor: Mary McVite [Signature] Date: 1-19-21
 Employee: _____ Date: _____

Your signature acknowledges discussion of the issues and receipt of the document. It does not indicate agreement with the document. You may add comments in the box below or submit them later by memo or e-mail.

Employee Comments

Changes to template verbiage must be approved by HR.

Supervisor Initials: _____
 Employee Initials: _____
 HRC Initials: _____

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOSEPH MICHAEL PHILLIPS,)
)
Plaintiff,)
) Civil Action
VS.) No. 4:22-cv-184-ALM
)
COLLIN COUNTY COMMUNITY)
COLLEGE DISTRICT, et al.,)
)
Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF FLOYD NICKERSON
FEBRUARY 9, 2023

I, Christy Cortopassi, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, FLOYD NICKERSON, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
3-1-23 to the witness or to the attorney
for the witness for examination, signature and return to
me by 3-31-23;

That the amount of time used by each party at the
deposition is as follows:

Mr. Greg H. Greubel.....02:26
Mr. Charles Joseph Crawford.....00:00
Mr. Robert J. Davis.....00:00

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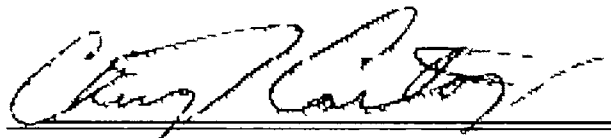
1 I further certify that pursuant to FRCP No
2 30(f)(1) that the signature of the deponent:

3 X was requested by the deponent or a party
4 before the completion of the deposition and that the
5 signature is to be returned within 30 days from date of
6 receipt of the transcript If returned, the attached
7 Changes and Signature Page contains any changes and the
8 reasons therefor,

9 _____ was not requested by the deponent or a party
10 before the completion of the deposition

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action

16 Certified to by me this 1st of March,
17 2023.

18
19
20 

21 Christy Cortopassi, Texas CSR 6222
Expiration Date 10/31/2024

22 Firm Registration No 633
23 Magna Legal Services
866 624 6221
24 www MagnaLS com
25

Floyd Nickerson

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1 I, FLOYD NICKERSON, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above
4
5
6

7 
8 FLOYD NICKERSON
9

10
11 _____ No changes made ☒ Amendment sheet(s) attached
12

13 JOSEPH MICHAEL PHILLIPS
14

15 Vs.
16

17 COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, et al.
18
19

20 JOB NO. 916093
21
22
23
24
25

A P P E A R A N C E S

FOR THE PLAINTIFF:

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Mr. Joshua T. Bleisch
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ALSO PRESENT:

Ms. Monica Velazquez,
General Counsel, Collin College

Terry VanDerHeyden - Videographer

KTA
KIM TINDALL & ASSOCIATES

RE: Floyd Nickerson

April 3, 2023

Dear Client:

We are forwarding these documents to you as the custodial attorney in this matter. This transcript is being handled pursuant to the Federal Rules of Civil Procedure and we have copied all parties on the Changes and Signature page(s) with the attached Certificate of Deposition submitted by the deponent to our office.

The items marked refer to the attached documents.

✓ The Changes and Signature page(s) was returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript(s) and the Changes and Signature page(s) with the attached Certificate of Deposition to you as the custodial attorney in this matter for safekeeping. All parties will be copied on the Changes and Signature page(s).

_____ The deponent returned the Changes and Signature page(s) within the specified time limit, however, the Changes and Signature page(s) was inadvertently returned without the original transcript. All parties have been copied.

_____ The Changes and Signature page(s) was not returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The Changes and Signature page(s) was returned to our office unexecuted. We are forwarding the original deposition transcript to you as the custodial attorney in this matter.

_____ The deponent returned the Changes and Signature page(s) enclosed after the specified time limit. All parties have been copied as a courtesy.

_____ This is to notify you that the examination and signature was not requested by the deponent and/or a party before the completion of the deposition; therefore, signature is waived pursuant to the Federal Rules of Civil Procedures. All parties have been copied via e-mail.

_____ A copy of the Changes and Signature page(s) was previously returned within the specified time limit. We are now in receipt of the Original Deposition Transcript and/or Changes and Signature page(s); therefore, we are returning it to you as the Custodial attorney in this matter for safekeeping.

_____ Amended.

Should you have any questions or concerns, please feel free to contact our office.

Sincerely,

KTA Certs Department

Certs@KTandA.COM

Nancy Renfroe – Department Manager

Kim Tindall & Associates, LLC
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Phone: 866.672.7880 Fax: 210.697.3408